

BILL SHUSTER
9TH DISTRICT, PENNSYLVANIA

DEPUTY REPUBLICAN WHIP

**COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE**

SUBCOMMITTEES:
RANKING MEMBER
RAILROADS, PIPELINES AND
HAZARDOUS MATERIAL

HIGHWAYS AND TRANSIT

WATER RESOURCES AND ENVIRONMENT

Congress of the United States
House of Representatives
Washington, DC 20515-3809

April 21, 2010

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:
READINESS

TERRORISM AND UNCONVENTIONAL THREATS
AND CAPABILITIES

COMMITTEE ON NATURAL RESOURCES

CONGRESSIONAL RURAL CAUCUS

RURAL HEALTH CARE COALITION

CONGRESSIONAL
SPORTSMEN'S CAUCUS

Joyce K. Frank
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, D.C 20460-0001

Regarding: D.L. Martin Co.

The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

Any assistance you can offer in this matter would be greatly appreciated.

If additional details are required or if the information requested can be relayed over the phone, please do not hesitate to contact my Chambersburg office at (717) 264-8308.

If you will advise me of your action in this matter and return your reply to me, I will appreciate it.

Very Truly Yours,

Bill

BILL SHUSTER
MEMBER OF CONGRESS

100 Lincoln Way East
Chambersburg, PA 17201
(717) 264-8308

WFS:NB

SUBJECT/PROBLEM:

To greatly summarize... it is a paperwork issue.
According to the EPA, we violated the rules of self
disclosure because our environmental consultant
called into their Craig Yussen and asked for help
in doing threshold calculations for TRI
reporting. (see attached 10 pages)

In accordance with Title 5, Section 552a of the United States Code, I hereby authorize
Congressman Bill Shuster to request assistance on my behalf from the EPA
(NAME OF AGENCY)
in connection with my above-mentioned subject/problem, and authorize discussion of my
records with Congressman Shuster and/or his representative for a period of one year from
the date below:

NAME: Daniel J. FisherADDRESS: 25 Harbaugh DriveMercersburg, PA. 17236(on behalf of D.L. Martin Co.)PHONE: 717-328-2141 ext. 127SIGNATURE: Dan Fisher DATE: 4/21/10

SOCIAL SECURITY NUMBER: _____

DATE OF BIRTH: _____

Please complete this form and include a brief explanation of your problem, then mail to:

Congressman Bill Shuster
100 Lincoln Way East, Suite B
Chambersburg, PA 17201

Phone - 717-264-8308

Fax - 717-264-0269

TRI Reporting Chronology

1. 8/20/08 – American Westech, Inc. began work on a cursory environmental GAP analysis.
2. 9/2/08 – Environmental GAP analysis was completed and the report prepared by American Westech, Inc. was received by D.L. Martin Co.
3. 9/23/08 – Contracted American Westech, Inc. to begin working with DLM on environmental compliance.
4. 9/24/08 – Sent Self-Disclosure letter to PA Department of Environmental Protection.
5. Late October 2008 – Began requesting information from suppliers with regard to purchased materials and corresponding Material Safety Data Sheets (MSDSs).
6. Mid to Late November 2008 – Began receiving material (i.e. MSDSs, amounts, etc.) information from suppliers.
7. 12/23/08 – Received the last of material information from suppliers. (Attachment 1)
8. 12/23/08 – Eric Ritchey from American Westech, Inc. began calculations at DLM for determining TRI reporting after receiving all of the required information from suppliers. At this time it was determined that DLM may have exceeded the thresholds for TRI reporting (initial discovery).
Contacted the EPA for TRI form completion assistance through the 800 Hotline and then through Craig Yussen.
9. 12/30/08 – Completed and mailed TRI Form Rs for Chromium, Nickel & Manganese for Reporting Year 2007 to EPA (Postmark Date 1/2/09).
10. 1/5/09 – Emailed copies of Self-Disclosure letter and TRI Form Rs for Chromium, Nickel & Manganese to Eric Ritchey at American Westech, Inc., who forwarded them to Craig Yussen at the EPA. Emailed MSDSs for suppliers used for the 2007 TRI Form Rs to Eric Ritchey, who forwarded them to Craig Yussen.
11. 1/7/09 – Emailed report for weights of metals shipped to us by suppliers for the 2007 TRI Form Rs to Eric Ritchey, who forwarded them to Craig Yussen.
12. 1/9/09 – Eric Ritchey sent a follow-up email to Craig Yussen requesting confirmation that he received all of the TRI information that he requested, and informing him of our commitment of being compliant with EPA regulations. (Attachment 2)
13. 1/15/09 – Received request from Craig Yussen via email from Eric Ritchey for MSDSs for specified suppliers used for the 2007 TRI Form Rs, for alloy usages for 2004, 2005 & 2006, and to complete TRI Form Rs for 2004, 2005 & 2006.
14. 1/19/09 – Emailed the requested MSDSs by supplier name for the specified suppliers used for the 2007 TRI Form Rs to Eric Ritchey, who forwarded them to Craig Yussen.
15. 1/19/09 – Received email from Eric Ritchey which included a letter from the EPA, dated 1/14/09, regarding the Self-Disclosure letter we had sent. (Attachment 3)

16. 1/29/09 – Emailed annual sales for DLM for calendar years 2004, 2005, 2006, 2007 & 2008 to Eric Ritchey to determine if we could estimate for TRI Form Rs; these were then forwarded to Craig Yussen.
17. 1/30/09 – Emailed amounts of recycled metals for calendar years 2003, 2004, 2005 & 2006 to Eric Ritchey to determine if we could estimate for TRI Form Rs; these were then forwarded to Craig Yussen.
18. Between 1/30/09 and 2/13/09 Craig Yussen advised us to submit 2007 TRI Form R for Lead.
19. 2/13/09 – Completed and mailed the TRI Form Rs for Chromium, Nickel, Manganese & Lead for calendar years 2004, 2005 & 2006 (Postmark Date 2/19/09). Completed and mailed the TRI Form R for Lead for calendar year 2007 (Postmark Date 2/19/09).
20. 12/21/09 – Received email from Eric Ritchey for questions from Craig Yussen regarding additional information for TRI reporting. (Attachment 4)
21. 1/6/10 – Eric Ritchey reviewed calculations and responses at DLM for questions from Craig Yussen regarding additional information for TRI reporting.
22. 1/7/10 – Reviewed email from Eric Ritchey for the completed responses to the questions from Craig Yussen regarding TRI reporting. Eric Ritchey emailed responses to Craig Yussen regarding additional information for TRI reporting. At this time, it was incorrectly reported to Craig Yussen that the initial discovery date for the TRI reporting issues was 8/20/08. The actual date of discovery was 12/23/08. (Attachment 5)
23. 3/22/10 – Received letter from EPA (dated 3/17/10). (Attachment 6)

4/8/10

FAX COVER SHEET

THE HONORABLE BILL SHUSTER

9th Congressional District Office

100 Lincoln Way East Suite B

Chambersburg, PA 17201

Phone - 717-264-8308

Fax - 717-264-0269

TO:

EPA - Attn: Brenda

DATE:

4-22-10

PAGES: Including cover sheet

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FROM:

Nancy Bull

☒

Roger Osbaugh

Diane Rhodes

Jeremy Shoemaker

Notes:

RE: DL Martin Co.